

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

CHRISTIAN SATTERFIELD,)
vs. Petitioner,) NO. CIV-08-733-D
ERIC FRANKLIN, Warden,)
Respondent.)

O R D E R

Petitioner, a prisoner appearing *pro se*, brought this action seeking habeas corpus relief pursuant to 28 U. S. C. § 2254. He filed a motion for leave to proceed *in forma pauperis*. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Gary M. Purcell for initial proceedings.

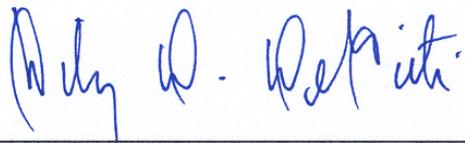
On July 22, 2008, Judge Purcell filed a Report and Recommendation [Doc. No. 6] in which he recommended that Petitioner's motion to proceed *in forma pauperis* be denied because Petitioner does not qualify for authorization to proceed without prepayment of the \$5.00 filing fee. In the Report and Recommendation, Judge Purcell also advised Petitioner of his right to object to the findings and conclusions set forth therein, and he scheduled an August 11, 2008 deadline for filing such objections. He further expressly cautioned Petitioner that a failure to timely file objections would result in a waiver of the right to appellate review of the matters determined in the Report and Recommendation.

To date, Petitioner has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No. 6]

is adopted as though fully set forth herein.

The docket sheet in this case reflects, however, that Petitioner's \$5.00 filing fee was received by the Court Clerk on July 30, 2008. Therefore, Petitioner has complied with the filing requirements and may proceed with this action. This matter is again referred to United States Magistrate Gary M. Purcell, in accordance with 28 U. S. C. § 636(b)(1)(B), for initial review of the matters set forth in the Petition.

IT IS SO ORDERED this 19th day of August, 2008.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE